

FILED - LN

April 19, 2021 12:31 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: jlg / SCANNED BY: 4/20/21

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN~~LeRoy Butler~~
LeRoy Butler #424595

1:21-cv-332

Paul L. Maloney, United States District Judge
Sally J. Berens, US Magistrate Judge

(Enter above the full names of all plaintiffs, including prisoner number, in the

v. TERRY J. Nolan P-39093

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

NA

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved: NA

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? NA

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: NA

II. Place of Present Confinement

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

NA

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff LeRoy Butler #424595

Address Newberry Correctional Facility 13747 E. County Rd. 428
Newberry, MI 49868

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 TERRY J. NOLAN

Position or Title MR. NOLAN WAS MY ATTORNEY BUT HE MISREPRESENTED ME.

Place of Employment NLO NOLAN LAW OFFICE

Address 1 E. APPLE AVENUE SUITE D MUSKEGON, MI 49442

Official and/or personal capacity? Warden Bauman

Name of Defendant #2 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

my Attorney terry Nolan misrepresented me on Both of My file's he did not challenge nothing He Just let the prosecutor do what ever to me he was paid 7,500 too Represent me to The Best of my Ability Which he did not. on Judge Hicks Register of Actions that was Filed 10/03/18 it says my incarceration Date was 8/8/18 which is invalid I told Mr. Nolan About Everything all the paper work in Both of the File's is invalid Even on Judge Hicks Register of Actions 7/19/18 was not the offense date for the PA's INVEST. SUB. which Was the perJury charge. on the case Supplemental Report the offense said MURDER NON-Negligent this charge doesn't exist But it's all over my paper work And Another Thing that's not right on the case supplemental Report if this occurred 7/19/18 why did it take Them 8 month's Later to print out the paper work Which was 2/25/19 the paper work has Been changed up A few time's Fact's I pointed This out to Mr. Nolan he did nothing About It. I'm going to Attach extra sheet's TO this.

#4-

Statement of Claim

on Judge Hicks Register of Actions
It say's the offense Date is 7/19/18
For the prosecutor INvestigative Subpoena
Which is the perJury charge that
They charged me with that had no
factual basis. let's make this make
sense how can the offense Date
for the perJury charge Be 7/19/18
And if you look on the case supplemental
Report they inter viewed me for the
INvestigative subpoena which is the
perJury charge on 7/21/18. they were
Requesting charges on 8/1/18 for the
perJury to Be Brought up on me
Fact's. on 7/19/18 the charge was mURDER/
NON-Negligent Which this charge Doesn't
EXist there is no such charge this
charge doesn't make sense I've heard
of mURDER/NON-Negligent manslaughter
But not Just mURDER/NON-Negligent
They didn't put nothing behind the
Negligent they Just left it like it was
mURDER/NON-Negligent Which Doesn't
EXist Fact's. all of this is on pages
23 and 24 from the case supplemental Report
And Another thing from the case
supplemental Report if this occurred
7/19/18 Why did it take Almost

Statement of claim

8 months for the Report to Be Printed out the Report was printed on 2/25/19 how is that if this occurred on 7/19/18. something is clearly wrong I told Mr. Nolan the Report has Been changed up A few times He did nothing About it. on Judge Hicks Register of Actions which is Also invalid How can my incarceration Date say 8/8/18 In I was already incarcerated. if you look at the paper that say both Judicial District Dated on 4/8/2020 the paper say's it show me lodged on 7/20/18 I went to prison from the county Jail so if I was lodged in the county Jail on 7/20/18 How can 8/8/18 Be my Incarceration Let make this make sense. on Judge Nolan Register of Actions which IS also invalid as well it say's I took A plea on 8/9/18 I never took A plea on this Date Fact's I showed my Attorney Mr. Nolan And he did nothing About this he Just took my money in didn't Fight for me at all Mr. Nolan was took off the State Bar for using drug's He's falling Back into his old habit's taking drug's in taking people money This is not fair OR Right

#6

Statement of claim

Mr. Nolan Job is to fight for ~~me~~^{me}
He never went thru the file's Because
If he did he would of seen everything
That was wrong Mr. Nolan was A Attorney
For Along time and he use to Be Great
until he ~~state~~ started Back using
Again. then he went down hill Mr. Nolan
Can't Keep taking people money that's
Wrong and not fair Because I could of
Went to get Another lawyer with that
money if I Knew he wasn't going to
Fight for me. if you look at Judge
Nolan Register of Actions were it say
offense Date 12/23/17 this is also
Invalid 12/22/17 is when Mr. Fox was
Dispatched to the scene Fact's officer
Fox tryed to talk to the victim he wasn't
Being cooperative with the officer's and
Wouldn't say what had happened to him.
on 12/23/17 the victim contacted Muskegon Heights
PD and spoke over the phone the victim
stated that he was walking to the store and
I picked him up He stated that I was
Driving and Another male was in the back
Seat. so when he got into the car
where did he set in the front seat
I showed my Attorney Mr. Nolan all of
This mess he still did nothing About it

#7-

Now on 12/23/17 which wasn't the offense date the victim stated when He got into the car I assault him with A pistol that was A lie if you look Back to when the officer arrived which was on 12/23/17 the officer stated that The victim was bleeding heavily from the Top of his head the clothing was not bloody so it appeared his injuries were sustained After he had removed his clothing. this also Was A lie as well on 12/23/17 ~~the~~^{when} the Victim contacted the police the victim states clearly he was assaulted with his clothing on he also stated that I made ~~him~~ Him remove his clothing after I Assaulted him. this doesn't make sense On case number 18-004489-FH I have 3 different date's the first date to the case was 12/22/17 in then some how it changed to 12/23/17 in not only that But change's again to 7/26/18 it's 3 different Date's in two different Police Report's This is not right my Attorney mr. Nolan Knew About this Because I told him But I feel I shouldn't have to told him Nothing he the Attorney that's what he was paid for to go over the file's in see what was going on.

Statement of claim

This was ineffective Assistance of counsel on my lawyer terry Nolan Behalf because He blindly advised me to plead no contest To charge's that he did not bother to Investigate Fact's. in Judge Hicks court Room on 3/6/19 mr. Hicks gave me 51 month's He never stated the maximum I told my Attorney he never said nothing about It this was A violation Because the court's IS to state the sentence being imposed Including the minimum and maximum Fact's And this is A Law mr. Hicks never said in The court room that my maximum was 20 year's Fact's. On 3/6/19 from Judge Hicks Court room page 19 now mr. Hicks gave me 51 month's for the perjury charge Fact's But on page 19 he's saying something Different Judge Hicks say's so for the next Two year's I'm going to be serving perjury And A felony firearm this is together so How did he switch up to 51 month's All thru out the transcrip's I was telling them I was lost I didn't understand what they was talking About my Attorney terry Nolan Didn't no what he was talking about As well MY Attorney the Judge and I was All confused

#9-

Statement of Claim

on 3/5/19 in Judge Hicks court room my Attorney Terry Nolan was very unprofessional they wouldn't give me the Transcript's from that day they changed them up because they always trying to cover up there wrong's. but if you view the transcript's from 3/6/19 Judge Hick's court room these's transcript's were very unprofessional on the Judge Behalf and my Attorney Behalf for not correcting the Judge when he made All of these's incorrect statement thru out The Transcript's. one minute the Judge saying this the next minute he swiching it up which had me very confused I didn't understand what the Judge and my Attorney was talking about Because the both of them didn't make sense Fact's. view The Transcript's from 3/6/19 Judge Hicks He's saying one thing and turning around saying Another Contradicting his self Fact's.

Relief

When viewing the plea transcript's From Judge Hicks on 3/6/19 my Attorney was more confused then the Judge he also Didn't no what he was talking about He Agreed to everything the Judge said When The Judge was incorrect please view The transcript's from 3/6/19 I also would Like to Be Reimbursed my 7,500 he took From me For not viewing my file's he Lead me down the wrong path he was unprofessional I would like the court to over turn Both File's because they are invalid Fact's my Attorney terry Nolan was ineffective Assistance of counsel.

V. Relief

State briefly and precisely what you want the court to do for you.

I would like for the court to investigate both file's the date's Because they are wrong I was wrongfully convicted the Date's To both of the case's is not correct Fact's If my Attorney was doing his Job he would of seen this problem Fact's he fell to Investigate both of the case's.

Date

Yerous Butun
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

LeRoy Butler #424595
Newberry Correctional Facility
13747 E. County Road 428
Newberry, MI 49868



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